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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,918	07/03/2003	Takashi Igarashi	108833.01	5605

25944 7590 08/12/2005

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EXAMINER

SHAKERI, HADI

ART UNIT PAPER NUMBER

3723

DATE MAILED: 08/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	10/611,918	IGARASHI ET AL.	
	Examiner	Art Unit	
	Hadi Shakeri	3723	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/31/05 has been entered.

Claim Rejections - 35 USC § 102

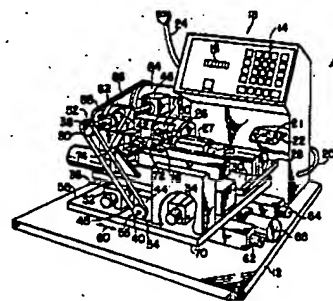
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Wood et al., US Patent No. 5,053,971.

Wood et al. discloses all the limitations of the above claims, i.e., a lens apparatus and machining method with a lens holding unit holding the lens at a center part by a shaft (128), a circumferential surface edging unit a groove machining unit and a lens shape measurement unit, it discloses a cutter including plurality of cutting portions for chamfering or pin beveling the lens corners.



Wherein the proper speed and feed rate are set based on the material selected, col. 10, line 28, and rotating the chuck in accordance with one or more operations, col. 1, lines 45-53, and wherein the thickness is determined and utilized in the instruction set in the program, col. 4, lines 45-55.

Wherein the method includes the steps of detecting the displacement of a probe (74) in the direction of the thickness and calculating other positions, or mapping the surface of the lens and a step of edging, col. 4, lines 17-56, and further steps of beveling, grooving and chamfering.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wood et al. in view of Mizuno et al., US Patent No. 6,074,280.

Wood et al meets all the limitations of the above claim, except for specifically disclosing setting the speed based on rough machining or fine machining.

Mizuno et al. teaches setting the speed in reference to the material used or the input processing condition, and different speed for rough, fine finishing and mirror-finish. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the invention of Wood et al. by setting the speed by input process condition, e.g., the type of machining as taught by Mizuno et al. for an enhanced lens grinding, which can shorten the processing time and improve the quality, Mizuno et al., col. 1, lines 55-61.

Response to Arguments

6. Applicant's arguments filed 04/29/05 have been fully considered but they are not persuasive.

The argument that Wood discloses changing or setting the turning speed of the lens holder and not the machining tool, is not persuasive. Firstly, claims 3 and 4 only recite changing a turning speed of the revolving tool and/or a turning speed of the lens holding shaft (at least one of, claim 4), therefor the argument does not apply to these claims, and lacking other arguments against the reference, the anticipation rejections of claims 3 and 4 are maintained. The same argument regarding claim 1 is not persuasive since the claim does not recite changing the speed of the tool and the lens holder, but only recites for setting the function of setting machining condition, which is met by Wood, i.e., setting a turning speed of the tool (inherent since the tool rotates and is not stationary, i.e., 82-88) and setting a turning speed of the lens holder.

With regards to claim 2, the argument that Wood does not disclose changing or setting the turning speed of the lens holder and not the machining tool, is not persuasive for the same reasons stated above, since the claim only recites changing one or the other.

The argument regarding fine finishing and mirror finishing is not persuasive either. Examiner agrees that fine finishing is different from mirror finishing, but they are as different as rough finishing is to fine finishing. In another words, bulk removal versus fine removal, in terms of degree. Bulk removal in this case may apply to fine finishing since further finishing, e.g., mirror finishing is followed. The claims do not set the degree to exclude comparing fine finishing to mirror finishing. However, the argument that Mizuno teaches that the turning speed of the grinding wheel remains the same during the rough grinding process and finishing process, as disclosed in Figs. 9 and 10 is not persuasive. The figures disclose one exemplary embodiment as apparent from the claimed embodiment, wherein the rough process and finishing process are recited to be at a first and a second speed, see claim 9. The teaching from Mizuno is to set different speed for different processes, i.e., type of finishing.

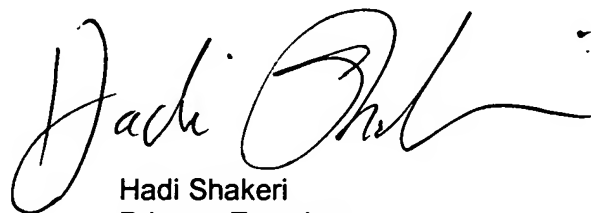
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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hadi Shakeri whose telephone number is 571-272-4495. The examiner can normally be reached on Monday-Thursday.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Hadi Shakeri', with a stylized flourish extending to the right.

Hadi Shakeri
Primary Examiner
Art Unit 3723
August 8, 2005